

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

RICHARD ELLENBARGER

PLAINTIFF

v.

Civil No. 04-5245

**JO ANNE B. BARNHART, Commissioner
Social Security Administration**

DEFENDANT

O R D E R

On this 2nd day of February, 2006, the court has before it for consideration plaintiff's request for attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. For reasons set forth in the report and recommendation filed by the Honorable Beverly Stites Jones, United States Magistrate Judge, dated January 19, 2006, the court finds that the magistrate's recommendations should be adopted *in toto* and hereby awards plaintiff attorney fees and costs in the amount of \$2,789.95, representing 22 hours of work at a rate of \$125.00 per hour and \$39.95 in expenses. This amount shall be paid in addition to, and not out of, any past-due benefits plaintiff may be awarded in the future.

IT IS SO ORDERED.

**/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE**